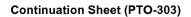
Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/539,316	VAN SINDEREN ET AL.		
Examiner	Art Unit		
DUC M. NGUYEN	2618		

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The MAILING DATE of this communication appea	rs on the cover sheet with the	correspondence add	ress
THE REPLY FILED <u>28 September 2009</u> FAILS TO PLACE THIS	APPLICATION IN CONDITION	FOR ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on t application, applicant must timely file one of the following re application in condition for allowance; (2) a Notice of Appea for Continued Examination (RCE) in compliance with 37 CF periods:	eplies: (1) an amendment, affidav al (with appeal fee) in compliance	it, or other evidence, w with 37 CFR 41.31; or	which places the r (3) a Request
a) The period for reply expiresmonths from the mailing	date of the final rejection.		
b) The period for reply expires on: (1) the mailing date of this Ad no event, however, will the statutory period for reply expire lat	er than SIX MONTHS from the mailin	g date of the final rejection	on.
Examiner Note: If box 1 is checked, check either box (a) or (b MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f)			
Extensions of time may be obtained under 37 CFR 1.136(a). The date o have been filed is the date for purposes of determining the period of exte under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the sh set forth in (b) above, if checked. Any reply received by the Office later that may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	nsion and the corresponding amount ortened statutory period for reply orig	of the fee. The appropria inally set in the final Office	ate extension fee be action; or (2) as
2. The Notice of Appeal was filed on A brief in compli	ance with 37 CFR 41.37 must be	filed within two months	s of the date of
filing the Notice of Appeal (37 CFR 41.37(a)), or any extens Notice of Appeal has been filed, any reply must be filed wit AMENDMENTS	sion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	
3. The proposed amendment(s) filed after a final rejection, but	ut prior to the date of filing a brief,	will not be entered be	cause
(a) They raise new issues that would require further cons	sideration and/or search (see NO	TE below);	
(b) ☐ They raise the issue of new matter (see NOTE below	•		
(c) They are not deemed to place the application in bette	er form for appeal by materially re	ducing or simplifying t	he issues for
appeal; and/or (d) ☐ They present additional claims without canceling a co	arraananding number of finally rei	acted claims	
NOTE: (See 37 CFR 1.116 and 41.33(a)).	orresponding number of finally rep	ected ciaims.	
4. The amendments are not in compliance with 37 CFR 1.12	1 See attached Notice of Non-Co	mnliant Amendment (PTOL-324)
5. Applicant's reply has overcome the following rejection(s):		inpliant Amenament (1 101-02-7.
6. Newly proposed or amended claim(s) would be allo		timely filed amendmer	nt canceling the
non-allowable claim(s).	masio ii caziiiiica iii a copaliato,		
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provided the status of the claim(s) is (or will be) as follows:		II be entered and an e	xplanation of
Claim(s) allowed: <u>6 and 8</u> .			
Claim(s) objected to:			
Claim(s) rejected: <u>1-7,9 and 11</u> . Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE			
8. The affidavit or other evidence filed after a final action, but	before or on the date of filing a N	otice of Appeal will not	be entered
because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).			
 The affidavit or other evidence filed after the date of filing a entered because the affidavit or other evidence failed to ov showing a good and sufficient reasons why it is necessary. 	ercome <u>all</u> rejections under appe	al and/or appellant fail	s to provide a
10. The affidavit or other evidence is entered. An explanation			
REQUEST FOR RECONSIDERATION/OTHER		•	
11. The request for reconsideration has been considered but See the attached "Response to Arguments".		n condition for allowan	ce because:
12. ☐ Note the attached Information <i>Disclosure Statement</i>(s). (F13. ☐ Other:	PTO/SB/08) Paper No(s)		
	/Duc M. Nguyen/		
	Primary Examiner, Art L 10/9/09	Jnit 2618	



Application No.